

FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

JUAN ROBERTO ALBINO,
Plaintiff-Appellant,

v.

LEE BACA, Los Angeles County
Sheriff; LOS ANGELES COUNTY,
Defendants-Appellees.

No. 10-55702

D.C. No.
2:08-cv-03790-
GAF-MLG

ORDER

Filed March 12, 2013

ORDER

KOZINSKI, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.